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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,617	12/21/2000	Robert E. Bolitsky	54609USA8B.006	3525

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09/27/2002

Office of Intellectual Property Counsel
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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-6

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/18/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 21-31, 37-41 is/are pending in the application.
- Of the above claim(s) 37-41 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 21-31 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Newly submitted claims 37-41 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly presented claims to a veneer tape relate to a single species of one of the elements of the combination which form the presently directed invention to a veneer assembly, having both a different field of search and also relate only to one of the species of adhesives suitable for use in the adhesive tape found in the dependent claims.

Additionally, it is further noted that in the parent application which was not handled by the present ~~inventor~~^{examiner} closely related claims directed to a veneer tape were not elected by applicant. Accordingly, the newly presented claims are believed directed to a patentably separate and distinct invention and are withdrawn from further consideration.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 37-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Claims 21-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO -280, substantially for the reasons

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set forth in paragraph No. 4 of Paper No. 4 together with the following additional observations. Applicant argues (Response page 4, first complete paragraph) that "More than a mere adjustment of the tack and cross-linking level is necessary to achieve the present invention. It is not necessarily obvious to one of skill in the art to manipulate the adhesive in such a way that it remains on the veneer while the backing remains removable." The Examiner respectfully disagrees. Note particularly WO -280, page 13, lines 1-5, wherein discussing a clearly closely related invention directed to a cleanly removable veneer tape it is stated that "Suitable adhesive compositions include well known adhesives such as rubber based adhesives and acrylic adhesives. These adhesive compositions may be modified by manipulating the level of tack and the degree of cross-linking to yield an adhesive composition exhibiting the requisite properties." That is, the Examiner respectfully states that whatever the level of tack and degree of cross-linking desired is *is also* well within the ordinary skill of the art. Note also that the passage cites both rubber based adhesives and acrylic adhesives, as well as "well known adhesives" of which poly(alpha-olefin) adhesives are believed to clearly constitute. Finally, the Examiner cannot help but note that applicant's specification clearly contains an admission that completely agrees with the Examiner's position. That is, note particularly page 13, lines

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20-23, where it is stated that "Suitable adhesive compositions include rubber-based adhesives, acrylic adhesives, and poly(alpha-olefin) adhesives. These adhesive compositions may be modified by manipulating the level of tack and the degree of cross-linking to yield an adhesive composition exhibiting the requisite properties."

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

September 26, 2002

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1800-
1700

Daniel Zirker